

# Notice of Allowability

Application No.

10/786,608

Examiner

Marcus Menezes

Applicant(s)

FRIES, BROR

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to June 26, 2007.
2. ☒ The allowed claim(s) is/are 34-39.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mau on December 4, 2007.

The application has been amended as follows:

In the Claims:

Claim 34, page 9, line 4, "type" has been deleted;

Claim 34, page 9, line 10, "is configured to" has been deleted;

Claim 34, page 9, line 10, "extend" has been replaced with --extends--;

Claim 34, page 9, line 11, "engage" has been replaced with --engages--;

Claim 34, page 9, line 11, "abut" has been replaced with --abuts--;

Claim 34, page 9, line 17, --adjustable-- has been inserted before "screw body";

### ***Allowable Subject Matter***

Claims 34-39 are allowed.

The following is an examiner's statement of reasons for allowance:

The applicant's independent claim, claim 34, has several similarities as well as differences with the Killingstad patent (US 4,825,507). Both disclose an adjustable

hinge device for a door assembly comprising a door leaf and door frame, said hinge device having a first one of its hinge flaps fixable with screws to the door frame, and a second one of its hinge flaps attachable to the door leaf of the door assembly, said first and second hinge flaps each of a single piece, flat member portions of which in a closed state of the door assembly are facing each other in a recess of the door frame. Further disclosed by both the applicant and Killingstad is an adjustable screw body that is adjustably fastened in a vertical member of the door frame for abutment with part of a rear face of the flat face portion of the first hinge flap. Also disclosed by Killingstad is a fastening screw, wherein said fastening screw and said adjustable screw body provide for angular adjustment and fixing of the hinge flap relative to an adjacent portion of the door frame vertical member facing the rear side of the first hinge flap and in cooperation with a tilting location on the hinge flap. However, where Killingstad fails in anticipating applicant's invention is with the fastening screw that extends through a hole in the flat member portion of the first hinge flap and engages a threaded axial hole in said screw body. The Killingstad patent fastening screw (13) does not extend through the adjustable screw body (5); thus failing to meet a specific limitation in independent claim 34. Further, there would be no motivation to modify the Killingstad patent since no added value is perceived by one of ordinary skill in the art for such a modification. Other patented similar devices, such as Watson (US 3,483,586) include the limitation of a fastening screw engaging a screw body as claimed in the applicant's invention, but fail to provide for angular adjustment with the incorporation of a tilting location on the hinge flap.

None of the other prior art references whether taken alone or used in combination cure the deficiency of Killingstad. Thus, the prior art as a whole made of record does not disclose or suggest the structural arrangement or the combination of structure set forth in Applicant's claims. As a result, the Examiner believes Applicant's claims as presented are patentably distinct from the prior art of record and the general prior art pertaining to adjustable door hinges.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Menezes whose telephone number is 571-272-6284. The examiner can normally be reached on 8:00am - 5:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus Menezes  
Examiner  
Art Unit 3677

/MM/

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**